Reg. No. KL/TV/12




# KERALA GAZETTE

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Saturday, 7th June 1975 / 17th Jyaistha 1897 [No. 285


GOVERNMENT OF KERALA

**Home (SS) Department**

NOTIFICATION

No. 13507/SS1/75/Home. *Dated, Trivandrum, 7th June 1975.*

**S.R.O. No. 477/75.**—In exercise of the powers conferred by clause (a) of section 5 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974), the Government of Kerala hereby make the following order, namely:—

CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (Kerala Conditions of Detention) ORDER, 1975.

1. This Order may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Kerala Conditions of Detention) Order, 1975.

2. It shall come into force at once.

3. *Definitions.*—In this Order, unless the context otherwise requires,—

(i) "Act" means the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974);

(ii) "detaining authority" means the Government or a Secretary to Government specially empowered under sub-section (1) of Section 3 of the Act;

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(iii) "Government" means the Government of Kerala;

(iv) "security prisoner" means a person in respect of whom an order of detention is made by the detaining authority under the Act.

4. *Classification.*—Security prisoners shall be treated as one class without discrimination irrespective of their education, status or mode of living before detention.

5. *Accommodation.*—Security prisoners shall be locked up at night. Minimum force that is absolutely necessary may be used if any prisoner refuses to be locked up.

6. *Diet.*—Every security prisoner shall be given food according to the scale specified in the table below:—

TABLE

*Scale of diet prescribed per day*

| | | | |
|---|---|---|---|
| 1. | Rice | 220 gm. | |
| 2. | Wheat | 290 gm. | |
| 3. | Végetables (Sambhar) | 113 gm. | (large & Small) Sunday, Tuesday and Thursday. |
| 4. | Vegetables | 312 gm. | (large) Monday, Wednesday, Friday and Saturday. |
| 5. | Dried Tapioca | 170 gm. | (Sunday, Tuesday and Thursday) |
| 6. | Onions | 14 gm. | |
| 7. | Tamarind | 7 gm. | |
| 8. | Curry powder | 11 gm. | |
| 9. | Coconut | 42 gm. | |
| 10. | Firewood | 680 gm. | |
| 11. | Salt | 42 gm. | |
| 12. | Butter milk | 225 mg. | |
| 13. | Coconut oil | 12 gm. | |
| 14. | Mustard | 259 mg. | |
| 15. | Green gram | 85 gm. | (Sunday, Tuesday, Thursday and Friday). |
| 16. | Green gram | 28 gm. | (Monday, Wednesday & Saturday). |
| 17. | Dried fish | 57 gm. | (Monday and Wednesday). |
| 18. | Mutton | 70 gm. | (including bones) Saturday |
| 19. | Potato | 57 gm. | Saturday |

| | | | |
|---|---|---|---|
| 20. | Dhall | 14 gm. | Every Sambhar day |
| 21. | Fenugreek | 65 mg. | |
| 22. | Asafoetida | 220 mg. | |
| 23. | Pepper | 220 mg. | |
| 24. | Garlic | 440 mg. | |
| 25. | Cumin seed | 194 mg. | |
| 26. | Tea or Coffee | 14 gm. | |
| 27. | Sugar | 28 gm. | |
| 28. | Milk | 280 mg. | |
| 29. | Oil for bathing | 57 gm. | (gingilly oil or coconut oil per week). |

*Note:* 1. No security prisoner shall be allowed to cook his own food or to supplement diet from outside.

*Note:* 2. The diet prescribed may be modified by the Superintendent of the Prison concerned on the medical Officer's recommendation.

7. *Clothing.*—Security prisoners shall be allowed to use their own clothes including under-garments. If a security prisoner has no means to provide his own clothes, clothing will be supplied at Government cost as per the scale prescribed below:—

*Male:*

| | | |
|---|---|---|
| 1. | Shirts | 2 (for every 9 months) |
| 2. | Mundoos | 2. (for every 6 months) |
| 3. | Langoties | 2 (for every 3 months) |
| 4. | Towels | 4 (for every 4 months) |

*Female:*

| | | |
|---|---|---|
| 1. | Blouses | 2 (for 9 months) |
| 2. | Mundoos/Sarees | 2 (for every 6 months) |
| 3. | Towels | 4 (for every 4 months) |
| 4. | Skirts | 2 (for every 3 months) |

8. *Bedding.*—No security prisoner shall be allowed to use his own bedding. A security prisoner shall be supplied with two Jumcals, a coirmat or grass mat, a pillow, two pillow cases and two bed sheets.

9. *Toilet Articles:*—Every security prisoner shall be supplied with one cake of toilet soap and two small pieces of a bar of washing soap per month.

10. *Other amenities.*—(1) Every security prisoner shall be supplied with the following feeding utensils:—

| | |
|---|---|
| Aluminium plate large | 1 No. |
| Aluminium plate small | 2 Nos. |
| Aluminium Mug | 1 No. |

(2) All security prisoners shall be allowed to purchase one pair of chappals in 6 months at their own cost outside the ceiling of Rs. 30, sanctioned as private funds in clause 13 of this Order.

(3) The security prisoners shall be allowed to purchase the following shaving articles at their own cost meeting the expenses from the private funds sanctioned by Government in Rule 13 of these rules.

| | |
|---|---|
| Safety razor | 1 No. |
| Shaving stick | 1 No. per month |
| Blades | 5 Nos. per month |
| Shaving Brush | 1 No. |
| Looking Glass | 1 No. |

11. *Labour.*—A security prisoner shall not be given tasks unless he voluntarily expresses his willingness to undertake them.

12. *Discipline.*—Security prisoners shall for purpose of discipline be subject to such of the rules relating to civil prisoners for the time being in force as are not inconsistent with the provisions of this Order or any other special orders passed by the Government in that behalf.

13. *Private Funds.*—(1) A security prisoner may receive at intervels any amount not exceeding Rs. 30 per month from his own private funds to supplement the amenities of life in jail.

(2) All funds so received shall be kept by Superintendent and spent by him on behalf of the security prisoner concerned.

(3) Any amount in excess of that prescribed under sub-clause (1) may be received by the Superintendent on behalf of the security prisoner but no such amount shall be spent in any month so as to exceed the limits so prescribed.

14. *Searches.*—Every security prisoner and his cell or ward may be searched whenever the Superintendent of the Prison considers it necessary, by any officer of the jail as detailed by the Superintendent. Special precautions shall be taken to make the searches thorough and the fact of the search shall be noted in the Jailor's report book and the Superintendent's journal.

15. *Interviews.*—(1) Every security prisoner may be permitted to interview his relatives or lawyer/advocate on the written permission of Government and subject to such conditions as may be specified.

(2) The right to cancel or terminate any interview shall vest with the Superintendent of the Prison provided that the Superintendent shall make a report to the Government regarding the reasons for any such cancellation or termination.

(3) Every person permitted to interview with a security prisoner and the security prisoner himself may be searched before and after the interview at the discretion of the Superintendent.

(4) After the interview is over or terminated the Superintendent of the Prison shall invariably warn both the security prisoner and the visitor that future interviews are liable to be prohibited if the visitor indulges in any publicity on behalf of the security prisoner.

(5) Applications for interview with a security prisoner shall be made to the Government.

16. *Correspondence and censorship.*—(1) Security prisoners shall ordinarily be permitted to write two and receive four letters per week. The security prisoners may be permitted to send or receive telegrams but telegrams shall count as letters. The letters or telegrams written or received shall relate only to private matters and shall contain no reference to jail administration, discipline, other business or politics.

(2) Not more than one letter shall be enclosed in one envelope, except with the special permission of the Superintendent.

(3) All communications to and from security prisoners shall be censored by the Superintendent of the Prison or an officer nominated by him. If the contents are in his opinion, definitely objectionable or detrimental to public interest and safety, the Superintendent of the Prison concerned shall withhold such letters or despatch or deliver after deleting any objectionable portion therefrom.

(4) Every letter forwarded to and from any security prisoner shall be initialled and dated by the Superintendent or other officer of the Prison who handled it.

(5) All communications addressed by a security prisoner meant for the Secretary of Lok Sabha/Rajya Sabha/Legislative Assembly as the case may be shall be despatched immediately to the addressee by the Superintendent after due censorship preferably on the same day on which the communication is received and in any case positively by the next day. However if any grievance or representation or any controversial matter is written, it shall be brought to the notice of the Government immediately.

(6) Communications from a security prisoner addressed to any High Court or to the Supreme Court shall also be despatched immediately to the addressee concerned by the Superintendent preferably on the same day on which the communication is received and in any case positively by the next

day. However, copies of such communications relating to conditions of detention may also be sent immediately by the Superintendent, to the Government for information.

(7) Every security prisoner shall, when sending letters or telegrams specify the full name and address and relationship to the writer of the addressee, and of each person mentioned in the letter or telegram, on a separate slip. The Deputy Inspector General of Police if he considers that the writer should not be allowed to correspond with the addressee, shall inform the Prison Superintendent for his guidance.

17. *Books, Newspapers and periodicals.*—(1) Security prisoners may receive such books, newspapers and periodicals as are not (a) proscribed by the Government; or (b) of a nature which propagates the use of or glorifics violence as a means to usher in a new social order or which contains an exhortation or incitement to violence for the overthrow of established Governments or for the disturbance of public order and peace.

(2) In addition to books, newspapers and periodicals which may be received through post or otherwise security prisoners who receive funds from outside may be allowed to purchase from such funds, books, newspapers and periodicals coming within sub-clause (1) above.

(3) The Superintendent of the Prison will scrutinise the books/newspapers/periodicals and ensure that they are not of the categories prohibited under sub-clause (1) before they are supplied to the security prisoners. In doubtful cases, he should consult the Inspector General of Prisons and act according to the advice tendered by the Inspector General of Prisons.

18. *Religious ministration.*—(1) Separate arrangements shall be made for the religious ministration of security prisoners. Separate religious ministers also shall be appointed for religious ministration of prisoners of different faiths, like muslims, Christians, Hindus etc. The various religious ministers will be appointed by the Superintendent of the Prison concerned subject to the ratification of the Inspector General of Prisons.

(2) Each religious minister will be allowed to visit and conduct moral lectures and other rites weekly once. The date and time for the above will be fixed by the Superintendent of the Prison concerned.

19. *Power to dis-continue.*—Notwithstanding anything contained in this Order, it shall be open to Government, for reasons to be recorded, to direct that any particular security prisoner shall not be entitled for such period as may be specified, to the benefits of interviews, correspondence, books, newspapers and periodicals allowed in clauses 15, 16 and 17.

20. *Petitions.*—The Prison Superintendent shall forward to Government any representation which any security prisoner may submit to Government, without the least delay.

21. *Jail regulations to be observed.*—A security prisoner—

(a) shall reside in the accommodation allotted to him by the Superintendent, whether in an association block or ward or cell;

(b) shall not proceed beyond the limits of the Jail enclosure, save with the permission of the Superintendent given by general or special order in this behalf;

(c) shall obey the orders of the Superintendent issued from time to time for the comfort, safety and help or for the discipline, orderly conduct and control of security prisoners;

(d) shall attend roll call and answer to his name in person at such time and place within the Jail as may be appointed by the Superintendent;

(e) shall confirm to the standards of cleanliness laid down by the Superintendent;

(f) shall not do anything wilfully with the object of affecting his own bodily welfare;

(g) shall not have in his possession any coin, currency notes or negotiable instruments, any weapons, sticks, razors other than safety razors, pieces of iron or any other articles which may be used as a weapon;

(h) shall not exchange or sell any of his kit, equipment, clothes, furniture or other possessions supplied by or belonging to Government.

22. *Offences.*—Any security prisoner who contravenes any of the provisions of clause 16 or clause 21 or refuse to obey any order issued thereunder, or does any of the following acts, namely:—

(a) assaults, insults, threatens or obstructs any fellow prisoner or officer of the prison or any other Government servant or any person employed in or visiting the prison, or

(b) quarrels with any person in the prison, or

(c) is guilty of indecent, immoral or disorderly conduct, or

(d) communicates or attempts to communicate with any person outside the prison in an unauthorised manner, or

(e) bribes or attempts to bribe any Government servant or any person employed in or visiting the prison, or

(f) commits any nuisance or wilfully befouls any well, latrine, washing or bathing place, or

(g) disobeys any orders of, or shows disrespect to any officer of the prison, or to the Medical Officer who visits the prison, or

(h) wilfully damages any property belonging to Government or tampers with any locks, lamps or lights in the prison, or

(i) receives, possesses or transfers any article in contravention of the orders of the Superintendent, or

(j) feigns illness, or

(k) wilfully brings a false accusation against any officer of the prison or fellow prisoner, or

(l) omits or refuses to report as soon as it comes to his knowledge, the occurrence of any fire, or any plot of conspiracy, any escape, attempt or preparation to escape and any attack or preparation for attack upon any officer of the prison, or

(m) shouts in chorus or individually slogans of political character, or.

(n) writes or makes visible representation of slogans or cartoons of political character on the floor, walls, furniture, or on his own clothes or person or in any fashion likely to be noticed by others, or

(o) abets the commission by a fellow prisoner of any of the foregoing acts, or

(p) omits or refuses to help any officer of the prison in case of an attempted escape on the part of any of his fellow prisoners or any attack upon such officer or upon any of his fellow prisoners,

shall be deemed to have committed jail offence.

23. *Jail Punishment.*—(1) Where, upon such enquiry, as he thinks fit to make, the Superintendent is satisfied that a security prisoner is guilty of a jail offence, he may award such prisoner one or more of the following punishments, namely:—

(a) confinement in cells for a period not exceeding seven days;

(b) reduction or alteration of diet for a period not exceeding seven days;

(c) cancellation or reduction for a period not exceeding one month of the concession of receiving funds from outside;

(d) cancellation or reduction for a period not exceeding one month of the privilege of writing and receiving letters;

(e) cancellation or reduction for a period not exceeding one month of the privilege of having interviews;

(2) If any security prisoner is guilty of a jail offence which by reason of his having frequently committed such offences or otherwise is in the opinion of the Superintendent not adequately punishable by him under the provisions of sub-clause (1), he may, with the approval of the Government, forward such prisoner to the Court of the First Class Magistrate or the District Magistrate and such Magistrate shall thereupon inquire into and try the charge so brought against the security prisoner and upon conviction shall sentence him to imprisonment for a term not exceeding one year:

Provided that where the act constituting the offence is punishable under the Indian Penal Code, 1860, with imprisonment for a term exceeding one year, nothing in this clause shall preclude the security prisoner from being tried and sentenced for such offence in accordance with the provisions of the said Code by the Magistrate or the Sessions Judge having jurisdiction.

*Note:*—Copies of clauses 21, 22 and 23 shall be pasted in a prominent place in the ward in which security prisoners are confined.

24. *Use of force.*—The Superintendent may use or require to be used such force as may, in his opinion be necessary, to compel obedience on the part of any security prisoner to any lawful order issued by him.

25. *Medical attendance.*—(1) In every matter connected with the health of the security prisoners and their treatment, when sick, the Medical Officer and the Medical Subordinate shall exercise the same powers and perform the same duties as in respect of other prisoners but security prisoners shall not be required to attend the jail hospital without the Superintendent's permission.

(2) When the Superintendent is of opinion that a security prisoner shall be given special medical treatment in any hospital or dispensary or clinic outside the jail or, if Government have sanctioned such medical treatment to be given, security prisoner may, notwithstanding anything contained in the order of detention, be taken to such hospital or the Sub-Jail nearest to such hospital or medical institution and detained there in custody until in the opinion of the Medical Officer-in-charge of the hospital or other medical institution, he is fit to return to jail. Security prisoners shall be provided with pay-ward accommodation whenever they are admitted in hospitals for treatment subject to availability of vacancy.

(3) Medical advice can be had from a Medical Officer of the Government of the State of Kerala. The Government Ayurvedic Physician shall also give medical aid when required and Ayurvedic medicines shall be supplied from the Government dispensary at the request of the Superintendent of the prison, or the Inspector General of Prisons. Prescriptions are not to be given but medicines are to be supplied from the dispensary.

(4) The following procedure is to be followed regarding the transfer of security prisoners to hospitals outside jails for special treatment:

(i) In jails where there are hospitals the security prisoners confined therein shall be treated for trivial and minor ailments in those hospitals.

(ii) In the case of serious illness or ailments which cannot be effectively treated in the jail hospital the Superintendent of the jail shall on a written report of the Medical Officer of the jail to the effect that a treatment in an outside hospital is essential immediately consider the transfer of the security prisoner concerned to the outside hospitals.

(iii) If the Medical Officer of the jail is also the District Medical Officer of the Station, the transfer to an outside hospital in the same station or to another station shall be effected forthwith.

(iv) Where, the District Medical Officer is not also the Medical Officer of the Jail, the transfer shall be effected in the following manner:—

(a) If a transfer is required to an outside hospital situated in the same station, the Superintendent shall contact the Superintendent of the outside hospital with the least possible delay and ascertain from him whether the case is of such a nature that treatment in an outside hospital is necessary. If the Superintendent of the hospital agrees that the case should be transferred, the Superintendent of the Prison shall effect the necessary transfer.

(b) In case where it may be necessary for the security prisoner to be transferred to a hospital outside the station, the Superintendent of the Prison shall try to arrange for an examination of the security prisoner by the District Medical Officer. If he agrees with the Medical Officer's recommendation that treatment at a hospital outside the station is necessary, the Superintendent shall forthwith transfer the security prisoner to the jail nearest to the hospital where treatment has to be arranged for. The Superintendent of the latter jail shall transfer with the least possible delay the security prisoner to the concerned hospital and no further consultation with the Superintendent of the hospital where treatment has to be given will be necessary.

(c) If, for any reasons, the Superintendent of the prison is not able to arrange for an examination by the District Medical Officer of Health, he shall immediately transfer the prisoner to the jail nearest to the hospital with the written consent of the District Medical Officer of Health and to the hospital suggested by that Officer. The Superintendent of the latter jail shall arrange with the Superintendent of the hospital where treatment is to be given, for an immediate examination of the case and if the Superintendent of the hospital agrees that the security prisoner shall be transferred, shall immediately effect the transfer.

(d) If in any of the cases covered by(a),(b),or (c) above, there is difference of opinion between the Superintendent of the prison and the Superintendent of the hospital, or the District Medical Officer of Health, as the case may be, the District Medical Officer of Health shall have final discretion in the matter. The Superintendent of the prison from which the prisoner is transferred shall, as far as possible, give advance intimation to the local Superintendent of police of the proposed transfer. In very serious cases such intimation, shall be furnished at the earliest opportunity.

(5) In all cases of transfers to an outside hospital whether in the same station or outside, the Superintendent of jail shall, as soon as possible, report the fact of such transfer to the Inspector General of Prisons indicating the reasons for the transfer and in the cases covered by sub-clause (4), the special reasons which rendered prior consultation with the Superintendent of the hospital impossible or difficult.

(6) The Superintendent of Police shall arrange to provide necessary escort in all such cases of transfers and shall also be responsible for ensuring that escorts are made available by the quickest means available, whenever there is a requisition by the jail authorities. Adequate arrangements shall also be made by the Superintendent of Police for guarding security prisoners during their stay in hospitals so as to prevent their escape from custody and the adequacy of the guard will be for the Police Departments to decide.

(7) The Superintendent or the Chief Medical Officer of the hospital where a security prisoner is treated shall decide the diet to be given to the prisoner during his stay in the hospital and the supply shall be made from the hospital itself out of that hospital funds.

(8) The required medicines for treatment of security prisoners shall also be supplied from the hospital. The necessary clothing and bedding may be provided from the hospital.

(9) The conveyance of a security prisoner for the journey to and from the outside hospital shall be provided by the Superintendent of the prison from where he is sent.

(10) Spectacles and dentures may be provided to security prisoners on medical recommendation at Government expense.

26. *Production in Court.*—When the presence of a security prisoner is necessary in a Court of law to stand his trial as an accused or to give evidence in a case, the Superintendent of the prison shall, on receipt of a written requisition from the Presiding Officer of the Court countersigned by the District Magistrate or the Sessions Judge or the Registrar of the High Court, as the case may be, arrange for the removal of the prisoner to such court, notwithstanding anything contained in the order of detention. Such requisition shall be sent to the District Magistrate for counter-signature only if evidence of the prisoner is considered essential and if it cannot be taken on commission at the jail where the prisoner is confined.

27. *Exercise and Games.*—Exercise should be within the jail area (within the walled enclosure) as the Superintendent may decide. Security prisoners shall be permitted to play games together under the supervision of and at the discretion of the Superintendent of the prison, without their coming into contact with ordinary prisoners. Sports materials for games such as chess, carroms, draughts, cards, volley ball, badminton and such other games as could be arranged within the enclosure will be provided at the expense of the Government. The expenditure on this account should not exceed Rs. 250 per annum.

28. *Railway accommodation and subsistence allowance.*—Security prisoners shall be provided with second class Railway warrant and batta at Rs. 10 per head per day whenever they are taken outside the jails for production before courts of law, etc.

29. *Miscellaneous.*—All particulars relating to security prisoners shall be entered in a separate 'Detenu Register' with serial numbers, the form of the register of civil prisoners being adopted for the purpose. All statistics of security prisoners shall be shown separately in jail registers and returns. Such other instructions as may be necessary for the proper working of this order may be issued from time to time by the Superintendent of the prison or the Inspector General of Prisons with the approval of the Government.

By order of the Governor,

S. NARAYANASWAMY,
*Special Secretary to Government.*

**Explanatory Note**

It is necessary to regulate the conditions of detention of the persons detained under Conservation of Foreign Exchange and Prevention of smuggling Activities Act, 1974. Hence this order.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1975.

Reg. No. KL/TV/12.

# KERALA GAZETTE

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Saturday, 7th June 1975 / 17th Jyaistha 1897 [No. 286

GOVERNMENT OF KERALA

**Home (SS) Department**

NOTIFICATION

No. 23165/SS1/75/Home. *Dated, Trivandrum, 7th June 1975.*

**S. R. O. No. 478/75.**—In exercise of the powers conferred by section 5 of the Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971) and in supersession of the Kerala Security Prisoners Order, 1971 published under Notification No. 19187/SS3/71-3/Home dated 8th December 1971 in the Kerala Gazette dated 8th December, 1971 as subsequently amended, the Government of Kerala hereby make the following Order, namely:—

KERALA SECURITY PRISONERS ORDER, 1974

1. This Order may be called the Kerala Security Prisoners Order, 1975.

2. It shall come into force at once.

3. *Definitions.*—In this Order, unless the context otherwise requires,—

(i) "Act" means the Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971);

33/1778/MC.

(ii) "detaining authority" means the Government or such Officer subordinate to them, as may be specified by the Government in this behalf;

(iii) "Government" means the Government of Kerala;

(iv) "security prisoner" means a person in respect of whom an order of detention is made by the detaining authority under the Act.

4. *Classification.*—Security prisoners shall be treated as one class without discrimination irrespective of their education, status or mode of living before detention.

5. *Accommodation.*—Security prisoners shall be locked up at night Minimum force that is absolutely necessary may be used if any prisoner refuses to be locked up.

6. *Diet.*—Every security prisoner shall be given food according to the scale specified in the table below:—

TABLE

| | | | *Scale of diet prescribed per day* |
|---|---|---|---|
| 1. | Rice | 220 gm. | |
| 2. | Wheat | 290 gm. | |
| 3. | Vegetables (Sambhar) | 113 gm. | (large & small) Sunday, Tuesday and Thursday. |
| 4. | Vegetables | 312 gm. | (large) Monday, Wednesday, Friday and Saturday. |
| 5. | Dried Tapioca | 170 gm. | (Sunday, Tuesday and Thursday). |
| 6. | Onions | 14 gm. | |
| 7. | Tamarind | 7 gm. | |
| 8. | Curry powder | 11 gm. | |
| 9. | Coconut | 42 gm. | |
| 10. | Firewood | 680 gm. | |
| 11. | Salt | 42 gm. | |
| 12. | Butter milk | 225 mg. | |
| 13. | Coconut oil | 12 gm. | |
| 14. | Mustard | 259 mg. | |
| 15. | Green gram | 85 gm. | (Sunday, Tuesday, Thursday and Friday). |
| 16. | Green gram | 28 gm. | (Monday, Wednesday & Saturday). |
| 17. | Dried fish | 57 gm. | (Monday and Wednesday). |
| 18. | Mutton | 70 gm. | (including bones) Saturday. |
| 19. | Potato | 57 gm. | Saturday. |
| 20. | Dhall | 14 gm. | Every Sambhar day. |
| 21. | Fenugreek | 65 mg. | |
| 22. | Asafoetida | 220 mg. | |

*Scale of diet prescribed per day*

| | | |
|---|---|---|
| 23. | Pepper | 220 mg. |
| 24. | Garlic | 440 mg. |
| 25. | Cumin seed | 194 mg. |
| 26. | Tea & Coffee | 14 gm. |
| 27. | Sugar | 28 gm. |
| 28. | Milk | 280 mg. |
| 29. | Oil for bathing | 57 gm. (gingilly oil or coconut oil per week) |

*Note.*—1. No security prisoner shall be allowed to cook his own food or to supplement diet from outside.

*Note.*—2. The diet prescribed may be modified by the Superintendent of the Prison Concerned on the Medical Officer's recommendation.

7. *Clothing.*—Security prisoners shall be allowed to use their own cloth including under-garments. If a security prisoner has no means to provide his own clothes, clothing will be supplied at Government cost as per the scale prescribed below:—

*Male.*

| | | |
|---|---|---|
| 1. | Shirts | 2 (for every 9 months) |
| 2. | Mundoos | 2 (for every 6 months) |
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| 4. | Towels. | 4 (for every 4 months) |

*Female.*

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| 1. | Blouses | 2 (for 9 months) |
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9. *Toilet articles.*—Every security prisoner shall be supplied with one cake of toilet soap and two small pieces of a bar of washing soap per month.

10. *Other amenities.*—(1) Every security prisoner shall be supplied with the following feeding utensils:—

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| Aluminium plate (large) | 1 No. |
| Aluminium plate (small) | 2 Nos. |
| Aluminium Mug. | 1 No. |

(2) All security prisoners shall be allowed to purchase one pair of chappals in 6 months at their own cost outside the ceiling of Rs. 30, sanctioned as private funds in clause 13 of this Order.

(3) The security prisoners shall be allowed to purchase the following shaving articles at their own cost meeting the expenses from the private funds sanctioned by Government in Rule 13 of these rules.

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| Safety razor, | 1 No. |
| Shaving stick | 1 No. per month |
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13. *Private Funds.*—(1) A security prisoner may receive at intervals any amount not exceeding Rs. 30 per month from his own private funds to supplement the amenities of life in jail.

(2) All funds so received shall be kept by Superintendent and spent by him on behalf of the security prisoner concerned.

(3) Any amount in excess of that prescribed under sub-clause (1) may be received by the Superintendent on behalf of the security prisoner but no such amount shall be spent in any month so as to exceed the limits so prescribed.

14. *Searches.*—Every security prisoner and his cell or ward may be searched whenever the Superintendent of the Prison considers it necessary, by any officer of the jail as detailed by the Superintendent. Special precautions shall be taken to make the searches thorough and the fact of the search shall be noted in the Jailor's report book and the Superintendent's journal.

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(3) Every person permitted to interview with a security prisoner and the security prisoner himself may be searched before and after the interview at the discretion of the Superintendent.

(4) After the interview is over or terminated the Superintendent of the Prison shall invariably warn both the security prisoner and the visitor that future interviews are liable to be prohibited if the visitor indulges in any publicity on behalf of the security prisoner.

(5) Applications for interview with a security prisoner shall be made to the Government.

16. *Correspondence and Censorship.*—(1) Security prisoners shall ordinarily be permitted to write two and receive four letters per week. The security prisoners may be permitted to send or receive telegrams but telegrams shall count as letters. The letters or telegrams written or received shall relate only to private matters and shall contain no reference to jail administration, discipline, other business or politics.

(2). Not more than one letter shall be enclosed in one envelope, except with the special permission of the Superintendent.

(3) All communications to and from security prisoners shall be censored by the Superintendent of the Prison or an officer nominated by him. If the contents are in his opinion, definitely objectionable or detrimental to public interest and safety, the Superintendent of the Prison, concerned shall withhold such letters or despatch or deliver after deleting any objectionable portion therefrom.

(4) Every letter forwarded to and from any security prisoner shall be initialled and dated by the Superintendent or other officer of the Prison who handled it.

(5) All communications addressed by a security prisoner meant for the Secretary of Lok Sabha/Rajya Sabha/Legislative Assembly as the case may be shall be despatched immediately to the addressee by the Superintendent after due censorship preferably on the same day on which the communication is received and in any case positively by the next day. However if any grievance or representation or any controversial matter is written, it shall be brought to the notice of the Government immediately.

(6) Communications from a security prisoner addressed to any High Court or to the Supreme Court shall also be despatched immediately to the addressee concerned, by the Superintendent preferably on the same day on which the communication is received and in any case positively by the next day. However, copies of such communications relating to conditions of detention may also be sent immediately by the Superintendent, to the Government for information.

(7) Every security prisoner shall, when sending letters or telegrams specify the full name and address and relationship to the writer of the addressee, and of each person mentioned in the letter or telegram, on a separate slip. The Deputy Inspector General of Police if he considers that the writer should not be allowed to correspond with the addressee, shall inform the Prison Superintendent for his guidance.

17. *Books, Newspapers and periodicals.*—(1) Security prisoners may receive such books, newspapers and periodicals as are not (a) proscribed by the Government; or (b) of a nature which propagates the use of or glorifies violence as a means to usher in a new social order or which contains an exhortation or incitement to violence for the overthrow of established Governments or for the disturbance of public order and peace.

(2) In addition to books, newspapers and periodicals which may be received through post or otherwise security prisoners who receive funds from outside may be allowed to purchase from such funds, books, newspapers and periodicals coming within sub-clause (1) above.

(3) The Superintendent of the Prison concerned will scrutinise the books/newspapers/periodicals and ensure that they are not of the categories prohibited under sub-clause (1) before they are supplied to the security prisoners. In doubtful cases, he should consult the Inspector General of Prisons and act according to the advice tendered by the Inspector General of Prisons.

18. *Religious ministration.*—(1) Separate arrangements shall be made for the religious ministration of security prisoners. Separate religious ministers also shall be appointed for religious ministration of prisoners of different faiths, like Muslims, Christians, Hindus etc. The various religious ministers will be appointed by the Superintendent of the Prison concerned, subject to the ratification of the Inspector General of Prisons.

(2) Each religious minister will be allowed to visit and conduct moral lectures and other rites weekly once. The date and time for the above will be fixed by the Superintendent of the Prison concerned.

19. *Power to discontinue.*—Notwithstanding anything contained in this Order, it shall be open to Government, for reasons to be recorded, to direct that any particular security prisoner shall not be entitled for such period as may be specified, to the benefits of interviews, correspondence, books, newspapers and periodicals allowed in clauses 15, 16 and 17.

20. *Petitions.*—The Prison Superintendent shall forward to Government any representation which any security prisoner may submit to Government, without the least delay.

21. *Jail regulations to be observed.*—A security prisoner—

(a) shall reside in the accommodation allotted to him by the Superintendent, whether in an association, block or ward or cell;

(b) shall not proceed beyond the limits of the Jail enclosure, save with the permission of the Superintendent given by general or special order in this behalf;

(c) shall obey the orders of the Superintendent issued from time to time for the comfort, safety and help or for the discipline, orderly conduct and control of security prisoners;

(d) shall attend roll call and answer to his name in person at such time and place within the Jail as may be appointed by the Superintendent;

(e) shall confirm to the standards of cleanliness laid down by the Superintendent;

(f) shall not do anything wilfully with the object of affecting his own bodily welfare;

(g) shall not have in his possession any coin, currency notes or negotiable instruments, any weapons, sticks, razors other than safety razors, pieces of iron or any other articles which may be used as a weapon;

(h) shall not exchange or sell any of his kit, equipment, cloths, furniture or other possessions supplied by or belonging to Government.

22. *Offences.*—Any security prisoner who contravenes any of the provisions of clause 16 or clause 21 or refuse to obey any order issued thereunder, or does any of the following acts, namely:—

(a) assaults, insults, threatens or obstructs any fellow prisoner or officer of the Prison or any other Government servant or any person employed in or visiting the Prison, or

(b) quarrels with any person in the Prison, or

(c) is guilty of indecent, immoral or disorderly conduct, or

(d) communicates or attempts to communicate with any person outside the Prison in an unauthorised manner, or

(e) bribes or attempts to bribe any Government servant or any person employed in or visiting the Prison, or

(f) commits any nuisance or wilfully befouls any well, latrine, washing or bathing place, or

(g) disobeys any orders of, or shows disrespect to any officer of the Prison, or to the Medical Officer who visits the Prison, or

(h) wilfully damages any property belonging to Government or tampers with any locks, lamps or lights in the Prison, or

(i) receives, possesses or transfers any article in contravention of the orders of the Superintendent, or

(j) feigns illness, or

(k) wilfully brings a false accusation against any officer of the Prison or fellow prisoner, or

(l) omits or refuses to report as soon as it comes to his knowledge the occurrence of any fire, or any plot of conspiracy, any escape, attempt or preparation to escape and any attack or preparation for attack upon any officer of the Prison, or

(m) shouts in chorus or individually slogans of political character, or

(n) writes or makes visible representation of slogans or cartoons of political character on the floor, walls, furniture, or on his own clothes or person or in any fashion likely to be noticed by others, or

(o) abets the commission by a fellow prisoner of any of the foregoing acts, or

(p) omits or refuses to help any officer of the Prison in case of an attempted escape on the part of any of his fellow prisoners or any attack upon such officer or upon any of his fellow prisoners,

shall be deemed to have committed a Jail offence.

23. *Jail Punishment.*—(1) Where, upon such enquiry, as he thinks fit to make, the Superintendent is satisfied that a security prisoner is guilty of a jail offence, he may award such prisoner one or more of the following punishments, namely:—

(a) confinement in cells for a period not exceeding seven days;

(b) reduction or alteration of diet for a period not exceeding seven days;

(c) cancellation or reduction for a period not exceeding one month of the concession of receiving funds from outside;

(d) cancellation or reduction for a period not exceeding one month of the privilege of writing and receiving letters;

(e) cancellation or reduction for a period not exceeding one month of the privilege of having interviews;

(2) If any security prisoner is guilty of a jail offence which by reason of his having frequently committed such offences or otherwise is in the opinion of the Superintendent not adequately punishable by him under the provisions of sub clause (1), he may, with the approval of the Government, forward such prisoner to the Court of the First Class Magistrate or the District Magistrate and such Magistrate shall thereupon inquire into and try the charge so brought against the security prisoner and upon conviction shall sentence him to imprisonment for a term not exceeding one year:

Provided that where the act constituting the offence is punishable under the Indian Penal Code, 1860, with imprisonment for a term exceeding one year, nothing in this clause shall preclude the security prisoner from being tried and sentenced for such offence in accordance with the provisions of the said Code by the Magistrate or the Sessions Judge having jurisdiction.

*Note.*—Copies of clauses 21, 22 and 23 shall be pasted in a prominent place in the ward in which security prisoners are confined.

24. *Use of force.*—The Superintendent may use or require to be used such force as may, in his opinion be necessary, to compel obedience on the part of any security prisoner to any lawful order issued by him.

25. *Medical attendance.*—(1) In every matter connected with the health of the security prisoners and their treatment, when sick, the Medical Officer and the Medical Subordinate shall exercise the same powers and perform the same duties as in respect of other prisoners but security prisoners shall not be required to attend the jail hospital without the Superintendent's permission.

(2) When the Superintendent is of opinion that a security prisoner shall be given special medical treatment in any hospital or dispensary or clinic outside the jail or, if Government have sanctioned such medical treatment to be given, the security prisoner may, notwithstanding anything contained in the order of detention, be taken to such hospital or the Sub-Jail nearest to such hospital or medical institution and detained there in custody until in the opinion of the Medical Officer-in-charge of the hospital or other medical institution, he is fit to return to jail. Security prisoners shall be provided with pay-ward accommodation whenever they are admitted in hospitals for treatment subject to availability of vacancy.

(3) Medical advice can be had from a Medical Officer of the Government of the State of Kerala. The Government Ayurvedic Physician shall also give medical aid when required and Ayurvedic medicines shall be supplied from the Government dispensary at the request of the Superintendent of the Prison, or the Inspector General of Prisons. Prescriptions are not to be given but medicines are to be supplied from the dispensary.

(4) The following procedure is to be followed regarding the transfer of security prisoners to hospitals outside jails for special treatment:—

(i) In jails where there are hospitals the security prisoners confined therein shall be treated for trivial and minor ailments in those hospitals.

(ii) In the case of serious illness or ailments which cannot be effectively treated in the jail hospital the Superintendent of the jail shall on a written report of the Medical Officer of the jail to the effect that a treatment in an outside hospital is essential immediately consider the transfer of the security prisoner concerned to the outside hospitals.

(iii) If the Medical Officer of the jail is also the District Medical Officer of the station, the transfer to an outside hospital in the same station or to another station shall be effected forthwith.

(iv) Where, the District Medical Officer is not also the Medical Officer of the Jail, the transfer shall be effected in the following manner:—

(a) If a tarnsfer is required to an outside hospital situated in the same station, the Superintendent shall contact the Superintendent of the outside hospital with the least possible delay and ascertain from him whether the case is of such a nature that treatment in an outside hospital is necessary. If the Superintendent of the hospital agrees that the case should be transferred, the Superintendent of the Prison shall effect the necessary transfer.

(b) In case where it may be necessary for the security prisoner to be transferred to a hospital outside the station, the Superintendent

of the Prison shall try to arrange for an examination of the security prisoner by the District Medical Officer. If he agrees with the Medical Officer's recommendation that treatment at a hospital outside the station is necessary, the Superintendent shall forthwith transfer the security prisoner to the jail nearest to the hospital where treatment has to be arranged for. The Superintendent of the latter jail shall transfer with the least possible delay the security prisoner to the concerned hospital and no further consultation with the Superintendent of the hospital where treatment has to be given will be necessary.

(c) If, for any reasons, the Superintendent of the Prison is not able to arrange for an examination by the District Medical Officer of Health, he shall immediately transfer the prisoner to the jail nearest to the hospital with the written consent of the District Medical Officer of Health and to the hospital suggested by that Officer. The Superintendent of the latter jail shall arrange with the Superintendent of the hospital where treatment is to be given, for an immediate examination of the case and if the Superintendent of the hospital agrees that the security prisoner shall be transferred, shall immediately effect the transfer.

(d) If in any of the cases covered by (a), (b), or (c) above, there is difference of opinion between the Superintendent of the Prison and the Superintendent of the hospital, or the District Medical Officer of Health, as the case may be, the District Medical Officer of Health shall have final discretion in the matter. The Superintendent of the Prison from which the prisoner is transferred shall, as far as possible, give advance intimation to the local Superintendent of Police of the proposed transfer. In very serious cases such intimation shall be furnished at the earliest opportunity.

(5) In all cases of transfers to an outside hospital whether in the same station or outside, the Superintendent of Prison shall, as soon as possible, report the fact of such transfer to the Inspector General of Prisons indicating the reasons for the tranfer and in the cases covered by sub clause (4), the special reasons which rendered prior consultation with the Superintendent of the hospital impossible or difficult.

(6) The Superintendent of Police shall arrange to provide necessary escort in all such cases of transfers and shall also be responsible for ensuring that escorts are made available by the quickest means available, whenever there is a requisition by the jail authorities. Adequate arrangements shall also be made by the Superintendent of Police for guarding security prisoners during their stay in hospitals so as to prevent their escape from custody and the adequacy of the guard will lie for the Police Department to decide.

(7) The Superintendent or the Chief Medical Officer of the hospital where a security prisoner is treated shall decide the diet to be given to the prisoner during his stay in the hospital and the supply shall be made from the hospital itself out of that hospital funds.

(8) The required medicines for treatment of security prisoners shall also be supplied from the hospital. The necessary clothing and bedding may be provided from the hospital.

(9) The conveyance of a security prisoner for the journey to and from the outside hospital shall be provided by the Superintendent of the Prison from where he is sent.

(10) Spectacles and dentures may be provided to security prisoners, on medical recommendation at Government expense.

26. *Production in Court.*—When the presence of a security prisoner is necessary in a Court of law to stand his trial as an accused or to give evidence in a case, the Superintendent of the Prison shall, on receipt of a written requisition from the Presiding Officer of the Court countersigned by the District Magistrate or the Sessions Judge or the Registrar of the High Court, as the case may be arrange for the removal of the prisoner to such court, notwithstanding anything contained in the order of detention. Such requisition shall be sent to the District Magistrate for counter-signature only if evidence of the prisoner is considered essential and if it cannot be taken on commission at the jail where the prisoner is confined.

27. *Exercise and Games.*—Exercise should be within the jail area (within the walled enclosure) as the Superintendent may decide. Security prisoners shall be permitted to play games together under the supervision of and at the discretion of the Superintendent of the Prison, without their coming into contact with ordinary prisoners. Sports materials for games such as chess, carroms, draughts, cards, volley-ball, badminton and such other games as could be arranged within the enclosure will be provided at the expense of the Government. The expenditure on this account should not exceed Rs. 250 per annum.

28. *Railway accommodation and subsistence allowance.*—Security prisoners shall be provided with second class Railway warrant and batta at Rs. 10 per head per day whenever they are taken outside the jails for production before courts of law, etc.

29. *Miscellaneous.*—All particulars relating to security prisoners shall be entered in a separate 'Detenu Register' with serial numbers, the form of the register of civil prisoners being adopted for the purpose. All statistics of security prisoners shall be shown separately in jail registers and returns. Such other instructions as may be necessary for the proper working of this order may be issued from time to time by the Superintendent of the Prison or the Inspector General of Prisons with the approval of the Government.

By order of the Governor.

S. NARAYANASWAMY,
*Special Secretary to Government.*

## Explanatory Note

It is necessary to issue the order regulating the conditions of detention of person retained under Maintenance of Internal Security Act, 1971 afresh after incorporating the amendments made to the previous order and certain other changes which are considered necessary. Hence this order.

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